



Appendix B:
National Storm Water Plan Criteria



NATIONAL STORM WATER PLAN CRITERIA: INSTRUCTIONS FOR STORM WATER PLAN PREPARATION

These guidelines are intended to aid division personnel in contracting for consulting services for the preparation of Storm Water Plans (SWP). They are also intended to act as a checklist by which consultants and KB Home (KB) personnel can define the scope of work expected. These instructions shall be provided to the SWP preparer.

Abbreviations

EPA	Environmental Protection Agency
NPDES	National Pollutant Discharge Elimination System
SWP	Storm Water Plan
NOI	Notice of Intent
NOT	Notice of Termination
MS4	A municipal separate storm water collection system
BMP	Best Management Practice

Performance Guidelines

There are three performance guidelines to which SWPs should conform. They should:

1. **Meet legal requirements.** The SWP must satisfy both the regulatory requirements set forth in the Applicable Permit and the requirements of the 2008 Consent Decree entered in *United States of America et al. v. KB Home*.
 - a. **Regulatory requirements.** In states where EPA has approved the state program to issue storm water discharge permits for construction activities in lieu of the federal Clean Water Act NPDES permitting program, the relevant "regulatory requirements" are set forth in the state's NPDES permit (general or individual) that applies to the particular site. In states where EPA has retained administrative control over the Clean Water Act NPDES permitting program, the relevant "regulatory requirements" are set forth in the "National Pollution Discharge Elimination System (NPDES) General Permit for Discharge from Large and Small Construction Activities" or the individual NPDES permit that applies to the particular site.
 - b. **Consent Decree requirements.** The preparation of the SWP should also be guided by the requirements of Paragraph 11(c) of the Consent Decree and other relevant provisions in that Decree. Paragraph 11(c) of the Consent Decree requires that each SWP:
 - (i) be site-specific;
 - (ii) identify the BMPs that will be used for each anticipated major phase of construction;
 - (iii) incorporate the inspection frequency and routine maintenance deadlines under the Applicable Permit; and
 - (iv) include clear, concise descriptions of site-specific BMPs to implement the requirements of the Applicable Permit and to guide those responsible for overseeing implementation of the SWP at each stage of construction.
2. **Be easy to follow and implement.** Although it is important that the SWP be easy for state or federal inspectors to follow and understand, it is equally or more important that the SWP be written in such a manner that it is easy for KB's operational personnel to understand and implement. The SWP should not be prepared in a vacuum, but should reflect discussions and agreements that have been made between the preparer and KB operational personnel. These discussions and agreements should include such things as construction sequencing and types of BMPs that each individual KB division feels are the most cost effective and easiest to maintain.

3. **Be efficient.** There are many ways in which the reduction of pollutants from storm water discharges can be achieved. It is the goal of KB to do so in the most efficient and affordable manner. When analyzing affordability, maintenance costs must be considered with installation and material costs to determine the proper solution for each situation.

Contents of the SWP (Checklist)

Refer to the requirements of Paragraph 11(c) of the Consent Decree when preparing each SWP. Each SWP shall include the following statement from the SWP preparer:

“The development of this SWP was guided by the requirements of Paragraph 11(c) of the Consent Decree.”

In addition, check the Applicable Permit to see which of the following are required. **IF** they are, they should be included in the SWP:

I. A Copy of the NOI and Other Storm Water Related Permits That Are Required for the Site

Copies of any federal, state or local storm water related permits should also be included. Careful consideration should be given to ensuring that all relevant permits have been or will be obtained, including whether there are any contractors or subcontractors that need separate storm water permits.

II. Storm Water Pollution Prevention Plan (SWP) Certification

Refer to the Applicable Permit for SWP certification requirements. For example, the Applicable Permit may include a requirement that the SWP be:

- a) Signed by the owner of the site;
- b) Signed by the operator of the site; and/or
- c) Signed by the person who is responsible for the preparation of the SWP.

The Applicable Permit may also include a requirement to maintain a log to record all amendments to the SWP and corresponding certifications.

An example of a Title Block for a SWP certification is provided below:

ABC XYZ 123 HOMES,
A Delaware corporation,

By: _____
Name: _____
Title: _____

III. Contact Information

The SWP should include the names, phone numbers and a description of the duties for each person who is responsible for ensuring compliance with storm water requirements at a particular site. In addition, the Consent Decree requires each SWP to include the name of the Site Storm Water Compliance Representative(s) and Division Storm Water Compliance Representative.

IV. Notice and Recordkeeping

- a) Posting NOI: The SWP should set forth the locations where the NOI is to be posted.
- b) Location of SWP and Inspection Reports: The SWP should set forth where the SWP and related records, including Inspection Reports, should be maintained. The Consent Decree requires the SWP to be maintained at the construction office if the site has one. If not, its location shall be posted along with, or adjacent to, the contact information for the Site Storm Water Compliance Representative.
- c) Retention of Records: The SWP should set forth the retention requirements for the SWP and site-related storm water documents.

V. Responsibilities of Owners and Operators

A list of activities that must be completed by the owner(s) or operator(s) and who is responsible for each activity.

VI. Definition of Area

- a) Site name and address (including county or governmental subdivision) or other available location information, including any location information required by the Applicable Permit or NOI.
- b) Name of any water of the United States or MS4 into which the site discharges storm water.
- c) Name of the agency or agencies that have jurisdictional authority for storm water pollution prevention.
- d) The function of the site (i.e., single family detached residential, townhouse, condo development).
- e) A description of any other activities such as dedicated crusher plants, asphalt plants, equipment staging areas, or material storage areas that may operate on the site.
- f) Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including off-site borrow pits and fill areas.
- g) A general location map (e.g., USGS quadrangle map, a portion of a city or county map or other map with enough detail to show the location of the construction site and waters of the United States within one mile of the site).

VII. Site Plan and BMP Map

- a) Direction of storm water flow and approximate slopes anticipated after major grading activities.
- b) Areas of soil disturbance and areas that will not be disturbed.
- c) Locations of major structural and non-structural BMPs.
- d) Locations where stabilization practices are expected to occur.
- e) Locations of off-site material, waste, borrow or equipment storage areas.
- f) Locations of all waters of the United States required to be mapped under state or federal regulations.
- g) Locations on the site, if applicable, where storm water discharges to waters of the United States.
- h) Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

VIII. Endangered and Threatened Species and Critical Habitat Protection

IX. Historic Properties Protection

X. Statement and Description of Storm Water Discharge Management Controls to Reduce Pollutants

- a) A description of all pollutant control measures (i.e. BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. Each major activity in the site construction process should be clearly defined and the BMPs related to that activity should be listed.
- b) A description of interim and permanent stabilization practices for the site, including the stage of construction when the practices will be implemented.
- c) Dates when major grading activities occur.
- d) Dates when construction activities temporarily or permanently cease on a portion of the site.
- e) Dates when stabilization measures are initiated.
- f) A description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and/or the discharge of pollutants from exposed areas of the site.
- g) A description of all post-construction storm water management measures that will be installed during the construction process to control pollutants in storm water discharges after construction operations have been completed.

- h) A description of the measures to prevent the discharge of solid materials, including building materials, to the waters of the United States.
- i) A description of the measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
- j) A description of controls and measures that will be implemented to control the storm water discharges from on-site crusher and asphalt plants.

XI. Description of Non-Storm Water Discharge Management Controls to Reduce Pollutants

- a) Discharges from fire fighting activities.
- b) Fire hydrant flushing.
- c) Waters used to wash vehicles where detergents are not used.
- d) Water used to control dust.
- e) Water used to flush waterlines and wash down buildings.
- f) Air conditioning condensate.
- g) Uncontaminated spring water, groundwater and discharges from foundation drains.
- h) Uncontaminated excavation dewatering.
- i) Landscape irrigation.

XII. Procedures for Dealing with Spills and Releases in Excess of Mandated Reportable Quantities

- a) A list of emergency contact numbers.
- b) A table listing types of listed materials expected to be on-site and the reportable quantity of each.
- c) Procedures for dealing with and reporting spills and releases.

XIII. Maintenance of Storm Water Discharge Management Controls

A description of the maintenance requirements for the BMPs that are installed.

XIV. Inspections

- a) Frequency of inspection.
- b) Standardized forms for inspection reports.

XV. Procedures for Updating and Modifying the SWP

- a) A statement explaining when the SWP must be amended.
- b) A statement of the procedure that should be followed to update and modify the SWP.

XVI. Notice of Termination

- a) When a NOT is filed.
- b) Procedure for filing a NOT.